

City of Springfield
Regular Meeting

MINUTES OF THE REGULAR MEETING OF
THE SPRINGFIELD CITY COUNCIL HELD
MONDAY, SEPTEMBER 18, 2006

The City of Springfield Council met in regular session in the Council Meeting Room, 225 Fifth Street, Springfield, Oregon, on Monday, September 18, 2006 at 7:01 p.m., with Mayor Leiken presiding.

ATTENDANCE

Present were Mayor Leiken and Councilors Ballew, Fitch, Ralston, Lundberg, Woodrow, and Pishioneri. Also present were City Manager Gino Grimaldi, City Attorney Joe Leahy, Attorney Matt Cox from the City Attorney's Office, City Recorder Amy Sowa and members of the staff.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Leiken.

SPRINGFIELD UPBEAT

1. WalMart Check Presentation to the Springfield Police Department.

During the August 30 Grand Opening of the WalMart Superstore in Springfield, WalMart Manager Ken Hutchinson presented the Springfield Police Department with a check for \$5,000 for the K-9 Program. Tonight's presentation is acknowledgement of that generous gift.

Chris, from WalMart was present for tonight's presentation.

2. Retirement K9 Ricki -Officer Jason Maloney's K9 Partner.

Ricki started his K9 career in December of 1998. He had 171 career arrests. He earned the Springfield K9 Unit Top Team award in 1999, 2001, 2003 and 2005. Ricki and Jason were very successful in state K9 competitions. They won the SPD K9 Competition Top Dog twice (finished 2nd 3 other times) and the Central Oregon K9 Competition Top Dog in 2005. In 2001, Ricki earned the ACE (Award for Canine Excellence) from the American Kennel Club.

Ricki had many highlights during his 171 arrests. In December of 2005 Ricki tracked down and captured an escaped sex offender in Eugene. This sex offender was transported to Eugene from the Douglas County Sheriffs Office for a doctor's appointment when he escaped in the east Eugene area. The suspect was tracked to the river and found hiding in a small cave.

One night on the graveyard shift in 1999 Ricki had five K9 captures on three separate calls for service. Jason and Ricki were the most successful team in the 25 year history of the Springfield K9 Unit.

Chief Smith presented a plaque to Ricki and Officer Maloney.

Mayor Leiken noted the number of ways Walmart had given back to the community and said Walmart had given away \$20,000 to different community organizations during their grand opening of their superstore.

CONSENT CALENDAR

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CONSENT CALENDAR. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

1. Claims

- a. Acceptance of the Financial Reports for the 4th Quarter ending June 30, 2006.
- b. Approval of the July 2006, Disbursements for Approval.
- c. Approval of the August 2006, Disbursements for Approval.

2. Minutes

- a. June 26, 2006 – Work Session
- b. June 27, 2006 – Special Regular Meeting
- c. July 10, 2006 – Work Session
- d. July 12, 2006 – Joint Elected Officials Meeting
- e. July 17, 2006 – Work Session
- f. July 17, 2006 – Regular Meeting
- g. July 24, 2006 – TEAM Springfield Meeting
- h. July 31, 2006 – Special Work Session
- i. August 21, 2006 – Special Regular Meeting

3. Resolutions

- a. RESOLUTION NO. 06-38 – A RESOLUTION ADOPTING CHANGES TO THE TABLE OF CONTENTS OF THE CITY OF SPRINGFIELD’S STANDARD CONSTRUCTION SPECIFICATIONS AND STANDARD DRAWINGS 4-1, 4-21, 5-18 & 5-18A.

4. Ordinances

- a. ORDINANCE NO. 6182 – AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN GENERAL PLAN DIAGRAM BY REDESIGNATING 1.59 ACRES OF LAND, TAX LOT 09200, ASSESSOR’S MAP 17-03-25-14, FROM LOW DENSITY RESIDENTIAL TO LIGHT-MEDIUM INDUSTRIAL AND ADOPTING A SEVERABILITY CLAUSE.
- b. ORDINANCE NO. 6183 – AN ORDINANCE AMENDING THE SPRINGFIELD ZONING MAP BY REZONING 1.59 ACRES OF LAND, TAX LOT 09200, ASSESSOR’S MAP 17-03-25-14, FROM LOW DENSITY RESIDENTIAL TO LIGHT-MEDIUM INDUSTRIAL AND ADOPTING A SEVERABILITY CLAUSE.
- c. ORDINANCE NO. 6184 – AN ORDINANCE AMENDING SPRINGFIELD MUNICIPAL CODE (SMC) SECTION 5.258, “THE SPRINGFIELD SOCIAL GAMING CODE/TEXAS HOLDEM POKER CARD TOURNAMENT” ORDINANCE.

5. Other Routine Matters

- d. Approval of Liquor License Endorsement for Springfield Conoco Phillips, formerly Miles 76, Located at 4095 Main Street, Springfield, OR.
- e. Approval of Liquor License Endorsement for Macenzis Deli, formerly How's the Soup Restaurant, Located at 471 South A Street, Springfield, OR.
- f. Approval of Liquor License Endorsement for the Village Inn Restaurant and Lounge, Located at 1875 Mohawk Blvd., Springfield, OR.
- g. Approval to Authorize the City Manager to Sign Amendment No. 1 to Terminate Intergovernmental Agreement (IGA) No. 20750 with the Oregon Department of Transportation (ODOT) for the Exchange of Federal Funding to State Funding for the Reconstruction of 69th Street (P20325).
- h. Authorize the City Manager to Execute an Amendment to the Contract with CH2M Hill Inc. for \$62,587 for the Sanitary Sewer Master Plan as Authorized in Accordance with Springfield Municipal Code (SMC) 2.706(4).
- i. Approve the Contract with Local Towing Companies for Police Initiated Towing of Vehicles.

ITEMS REMOVED FROM THE CONSENT CALENDAR

PUBLIC HEARINGS - Please limit comments to 3 minutes. Request to speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.

- 1. Annexation of Territory to the City of Springfield (Crane, Journal Number LRP2006-00020).

RESOLUTION NO. 06-39 – A RESOLUTION INITIATING ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF SPRINGFIELD AND REQUESTING THAT THE LANE COUNTY LOCAL GOVERNMENT BOUNDARY COMMISSION APPROVE THE ANNEXATION BY EXPEDITED PROCESS.

City Planner Jim Donovan presented the staff report on this item. The applicant/owners have requested annexation of 1.73 acres of property located at 885 S. 42nd Street. The site is located on the east side of 42nd Street, approximately 500 feet north of Jasper Road. There is one residence on the site, which is occupied by the owner/applicant. Properties to the north and on 42nd Street in front of the site are annexed; no annexation agreement has been required. The purpose of the annexation is to allow the development of a Low Density Residential (LDR) subdivision.

The City Council is authorized by ORS 199.490(2)(a)(B) to initiate annexation upon receiving consent in writing from a majority of the electors registered in the territory to be annexed and the owners of more than half of the land to be annexed. Consent from the property owner has been given, and there are no other residences or registered voters residing at the site. The properties are within the UGB and are adjacent to the Springfield City Limits. The City can ensure a minimum range of key urban services including but not limited to police, fire protection, library, parks and recreation, storm sewers, sanitary sewer and schools. The Springfield Utility Board (SUB) will serve the future subdivision.

The City Council Resolution, if approved, will be forwarded to the Lane County Local Government Boundary Commission. The owner is requesting the "Expedited Annexation" procedure through the Boundary Commission in order to be able to proceed as quickly as possible with the subdivision process which must be completed so houses can be built. Mr. Donovan said staff recommended Council approval of this annexation.

Mayor Leiken opened the public hearing.

No one appeared to speak.

Mayor Leiken closed the public hearing.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT RESOLUTION NO. 06-39. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE AUDIENCE - Limited to 20 minutes. Please limit comments to 3 minutes. Request to Speak cards are available at both entrances. Please present cards to City Recorder. Speakers may not yield their time to others.

Mayor Leiken noted that Curtiss Greer had put in an advance request asking to speak for 5 minutes. That request had been approved.

1. Curtiss Greer, 357 55th Street, Springfield, OR. Mr. Greer brought a document outlining attacks against the United States (U.S.) from 1979 to 2001. This document was distributed to the Mayor and Council by the City Recorder. Mr. Greer discussed those attacks which were committed by illegal immigrants and noted the risk from this problem. The second page of the document was a quote from President Theodore Roosevelt, the third page was a reference to a footnote, followed by a copy of Mr. Greer's presentation. He asked to have this document made part of the record (it can be found with the original agenda documents for the September 18, 2006 Council Meeting). He read from his written testimony which discussed problems related to illegal immigrants. He noted that he welcomed all legal immigrants. He asked that the Council demand the repeal of ORS 181.850.
2. Fred Simmons, 312 South 52nd Place, Springfield, OR. Mr. Simmons said he agreed with Mr. Greer. There was a significant issue in that the City was bound by ORS 181.850 and could not do enforcement processes because of it. He noted that the Springfield Police Department was an equal opportunity arrester and he was proud of the Police. Something needed to be done to ensure the legal immigration process. He discussed the email by Councilor Ralston and said he supported what he had to say. Mr. Simmons discussed Community Emergency Response Teams (CERT). He said the City still had not adopted the new Emergency Plan. There needed to be some thought in getting that adopted and doing some training. He asked the Council to pay some attention to the Emergency Plan and get it funded and training begun.
3. Jody Barnhart, Springfield High School, 977 South 44th Street, Springfield., OR. Ms. Barnhart said Springfield High School (SHS) was having their second annual pep rally October 26. This event highlighted the best of SHS. The evening showcased all clubs, activities, diversity and performing arts of SHS. The evening would end with a fireworks

show lasting 10 to 15 minutes. After contacting other high schools in the State of Oregon that conduct this type of fireworks show, she found that many cities did not charge a City permit. The schools did pay the \$50 state permit fee. She asked that the Council look at the current fee of \$345 for a permit and consider waiving the fee or donating it back to the school for the purpose of building community and assisting the school in their endeavor to showcase the best of SHS. The evening was fun for the entire family. She thanked the Council for any assistance they could give in this manner.

4. Mark Molina, 146 E Street, Springfield, OR Mr. Molina thanked the City for the events this weekend and Councilor Woodrow for his attendance at the event Saturday evening and welcoming Fiesta Latina to the City. He acknowledged all of the work by the City, the Police Department and Willamalane Parks and Recreation. He noted the Independence Day celebration at the Regional Sports Center sponsored by Churchill Media, which had a Spanish speaking radio station whose proceeds went to the Hispanic College Fund. He said he and Councilor Ralston spoke frankly about the councilor's email and any issues were clarified. Councilor Ralston agreed. Mr. Molina said it was a tough issue. He again thanked the City for their support of the events.

COUNCIL RESPONSE

CORRESPONDENCE AND PETITIONS

1. Correspondence from Jody Barnhart, Springfield High School Athletic/Activities Secretary, 875 7th Street, Springfield, OR Regarding a Pep Rally and Fireworks Display Scheduled for October 26 at Silke Field.
2. Correspondence from Dena Landrum, Executive Assistant Willamalane Parks and Recreation District, 200 South Mill Street, Springfield, OR Regarding the Board-appointed Representative to the City of Springfield from Willamalane.
3. Correspondence from Fred Simmons, 312 South 52nd Place, Springfield, OR Regarding His Recent Records Request.
4. Correspondence from Diana Garcia, 956 56th Street, Springfield, OR Regarding Council Email on Immigration.
5. Petition submitted by Joseph U. and Alice Verret, 3195 Wayside Loop, Springfield, OR Regarding Maintaining the Seward Street Connection Permanently (see attached staff response).

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ACCEPT THE CORRESPONDENCE AND PETITIONS FOR FILING. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

Councilor Fitch asked if staff could work with Springfield High School on the fireworks fee. She said the fee charged was the same fee for fireworks that lasted much longer.

Councilor Ballew said the City did have costs and Council had asked staff to cover costs.

Councilor Ralston asked what cost was incurred. He asked if Police officers were required to be present.

Mr. Grimaldi said the Fire Marshal would need to be present.

Ms. Barnhart said other cities had the Fire Marshal and a fire truck present.

Mayor Leiken asked Finance Director Bob Duey if there was funding in the Springfield Education Foundation to help offset \$325.

Mr. Duey said there were some resources. Requests usually went through a grant process and they did not usually fund athletic events. He said it was certainly worth discussion.

Mayor Leiken asked if SHS had approached anyone in the business community to pay the \$325.

Ms. Barnhart said they had approached businesses, but were hoping the City could work with the school.

Councilor Pishioneri and Councilor Fitch offered to donate funds toward their fee.

Councilor Ralston asked if the Fire Marshal had to be at the event or if the fire truck was sufficient. He didn't see a problem with a fire truck at the event as long as they were still on call.

Ms. Barnhart said the Fire Marshal had to be there when the fireworks arrived and one hour after the last fireworks went off.

Mayor Leiken asked staff to discuss this further with the high school.

Councilor Lundberg said she was a Springfield High School parent, but she agreed with Councilor Ballew about recovering costs. The Fire Marshal's presence was needed with residents nearby.

BIDS

ORDINANCES

1. Vacation of Mid-Block Alley Right-of-Way (Within Assessor's Map 17-03-35-31), Case No. LRP2006-00019.

ORDINANCE NO. 6185 – AN ORDINANCE VACATING A 14 FOOT WIDE, EAST – WEST ALLEY IN BLOCK 1 OF THE MAP OF SPRINGFIELD, BOOK 1, PAGE 1 OF PLAT RECORDS OF LANE COUNTY, OREGON, DATED APRIL 5, 1872.

City Planner Andy Limbird presented the staff report on this item. On May 15, 2006, City Council initiated an action to vacate public right-of-way for the mid-block alley west of 4th Street between A Street and B Street to facilitate development of the Springfield Justice Center.

The subject right-of-way is a 14-foot wide by 264-foot long alley running east-west behind the existing police, courts and commercial lease space in the 300 Block of A Street. The alley presently serves as a driveway exit onto either Pioneer Parkway East or 4th Street for public and police parking lots in the north half of the block, and as a utility corridor for electrical and telecommunication lines. Proposed development of the Justice Center will provide continued access to the Police/Courts building and the Best Little Printhouse business during construction. In addition, utilities located in the alley will remain until the second phase of the Justice Center construction which should begin in the fall of 2008. The City owns all 10 tax lots within the city

block, nine of which directly abut the alley proposed for vacation. The Planning Commission voted unanimously to recommend approval of the vacation (with conditions) at a Public Hearing meeting on July 5, 2006. Tentative site plan approval for the Justice Center - conditional upon vacation of the subject alley - was issued on July 10, 2006.

The Council conducted a public hearing and first reading of the vacation ordinance on July 17, 2006. At that hearing, staff placed evidence into the record that issues raised during the Planning Commission hearing had been addressed and that the criteria of approval for vacations had been satisfied. The Council set its decision date over until September, 2006 and left the record for additional written testimony open until July 31, 2006. During this period, a single letter written by Mr. Fred Simmons was submitted (Attachment 6). The letter does not contain new evidence.

Mr. Limbird clarified the findings and second condition from the Planning Commission. Finding #25 discussed the continued access to the Best Little Printhouse parking lot. Upon construction of the Justice Center, the parking lots would be demolished and construction would begin. At that time, that agreement would be nullified. In the interim, between the last public hearing and today, staff had been in discussion with the commercial tenant (Best Little Printhouse) to look at possible opportunities for relocation as well as interim parking for the commercial enterprise while the construction was taking place.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO ADOPT ORDINANCE NO. 6185. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY COUNCIL

1. Business from Council

a. Committee Reports

1. Councilor Lundberg reported on the Political Action Committee (PAC) meeting for the Police and Jail levy. She said there were some Burma Shave signs that were up in several areas of town. She said some events were coming up that she hoped Council members could attend, not necessarily for advocacy, but to talk about the levy. The following events were upcoming: October 7 at Value Village – finger printing will be done from 11:00am to 4:00pm; October 7 the Police and Fire & Life Safety staff will be at Jerry's Home Improvement from 10:00am on with equipment set up; October 21 there is a Safety Fair at the Gateway Mall from 10:00am on. Ballots for the November election would be coming out on October 20.
2. Councilor Ralston reported on the Oregon Highway 126 meeting. He said they were looking at options for improvement from Mohawk to the intersection of Main Street. It would come down to money, but no source had been identified. He also reported on the Human Services Commission. During the meeting today, there was a presentation on the 10 year plan to end homelessness. He said there were a lot of noble ideas, but no idea how to accomplish it. He suggested starting the Housing Policy Board and reorganizing policies for affordable housing. The number of homeless people is staggering, with nearly 1100 per day on the street or at the mission. He noted some of the other suggestions offered during the meeting.

- Councilor Ralston attended the Interfaith Breakfast on September 11 and also went to the Memorial Service at Civic Stadium on September 11. He said it was amazing with a good turnout. A fire chief from New York spoke and it was an amazing experience.
3. Councilor Fitch noted that the Wildish Theater was near completion. The A3 School would be utilizing it along with community groups. The Mayor and Council would be invited to some of the opening events throughout October and November. If Council desired, they could do a quick tour of the theater during a work session. She noted the funding that had helped make this a reality. There was still some fund raising needed to finalize the project.
 4. Councilor Ralston said there was a Housing Policy Board meeting held a couple of weeks ago. He brought up the idea of having the Housing Policy Board come up with a formal request for the City of Eugene to do a residential lands study. The Board should be ready to submit something near the beginning of the year.
 5. Mayor Leiken noted the great job by Councilor Fitch and the Springfield Renaissance Development Corporation (SRDC) to get the theater open. He said he planned on holding his State of the City address at the theater in January and had been assured it would be complete. He commended the SRDC for not having a huge debt load. He said the League of Oregon Cities (LOC) Conference would be held September 28-30 in Portland. Those attending would include the Mayor, Councilor Fitch, City Manager Gino Grimaldi and Community Relations Coordinator Niel Laudati. He said it was interesting to hear creative solutions from other cities.

BUSINESS FROM THE CITY MANAGER

1. Council Review of Metro Plan Diagram Amendment Referral – Huntington Crossing (Referred by City of Eugene).

RESOLUTION NO. 3 – A RESOLUTION DETERMINING A REGIONAL IMPACT WILL RESULT FROM THE PROPOSED HUNTINGTON CROSSING METRO PLAN DIAGRAM AMENDMENT.

Planning Manager Greg Mott presented the staff report on this item. The site of the proposed plan diagram amendment is between the Eugene city limits and urban growth boundary along Game Farm Road North. Plan diagram amendments outside city limits must be referred to the non-home city for determination of regional impact. A finding of regional impact allows the non-home city to participate with the home city and Lane County in the decision-making process. Staff found no regional impact resulting from this proposal.

The proposed amendment would redesignate 6.89 acres a half mile northwest of the Gateway Beltline intersection from Campus Industrial to Medium Density Residential. Because this site is outside the Eugene city limits the Springfield City Council may participate in the decision if the proposal would create regional impact. Regional impact may result from: a *significant reduction* in medium or high density residential or commercial inventories; a *significant increase* in special light, light-medium, heavy industrial or low density residential inventories; a requirement to amend TransPlan or the PFSP; or a *demonstrable impact* on the water, storm drainage, and sanitary sewer or transportation facilities of the non-home city (See page 7-3, Springfield Development Code). The size of the site (6.89 acres) is not significant; the proposal is in counter-point to the affected inventory sensitivities; no change to TransPlan or the PFSP is needed to provide infrastructure to the site; and Springfield Transportation Division staff has reviewed the

Traffic Impact Analysis and concur with the applicant's findings that the proposed use will generate fewer trips than development under the existing designation.

There is no measuring stick for "significant" or "demonstrable impact" and therefore staff is only offering our opinion on these questions. We do not believe that this proposal should be the litmus test to define these terms, nor should subsequent plan amendment referrals rely on this proposal as a precedent. Staff concludes no regional impact and recommends not adopting the attached Resolution.

Mr. Mott explained the mixed message that appeared between the packet and the staff report. He explained. Tonight was the only opportunity to bring this to Council. He explained how an impact could be considered. Staff's conclusion was that there was no regional impact.

Councilor Pishioneri said he would opt to let Eugene control their own destiny.

Councilor Lundberg said Light Medium Industrial (LMI) allowed more control of when people came and went. She pointed out several issues and voiced her opinion on the traffic issue related to this zone change, but did not want Springfield to have a say in this issue.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO NOT ADOPT RESOLUTION NO. 3. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

2. Emerald Peoples Utility District Public Way Use Agreement.

Assistant Public Works Director Len Goodwin presented the staff report on this item. Staff have completed negotiations with Emerald Peoples Utility District ("EPUD") with respect to the terms of a Public Way Use Agreement authorizing them to use City Public Ways to provide electric service.

The proposed agreement grants permission to EPUD to install facilities in Springfield Public Ways in connection with its authority to provide electrical services within that portion of the City that is inside the exclusive territory assigned to EPUD by the Oregon Public Utilities Commission. As you may recall, the Springfield Utility Board litigated the question of EPUD's authority, asserting that provisions of the Springfield City Charter authorized SUB to be the sole provider of electricity within the City limits. The Oregon Supreme Court ultimately found that the provisions of the Charter were preempted by statutes granting the PUC authority to assign territories. Subsequently, EPU and SUB reach an amicable settlement setting a boundary line which basically authorizes EPU to provide service in an area south of Jasper Road and Mt. Vernon Boulevard, with certain exceptions. As a result, EPUD's territory includes the Jasper/Natron area.

The Public Way Use Agreement provides for a fee of five percent of gross revenues, payable monthly, and makes operations of the utility subject to the general laws and ordinances of the City, save only requirements of the National Electrical Safety Code, which applies to all utilities. It does not affect any powers that SUB may have with respect to regulation of utilities, nor does it affect any rights either SUB or EPUD may have under state statutes regulating the provision of electric service.

The Agreement will result in significant revenue to the City as areas presently undeveloped are developed, but it is not possible to estimate the potential revenue at this time. Staff recommends that the City Manager be authorized to execute the Agreement on behalf of the City.

Mr. Goodwin noted that existing customers would not be required to change servers. He discussed the agreement. The future development of Jasper Natron would affect the revenue brought in by the agreement.

Mayor Leiken asked if EPUD was agreeable to the five percent fee. Yes.

IT WAS MOVED BY COUNCILOR WOODROW WITH A SECOND BY COUNCILOR LUNDBERG TO APPROVE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH EMERALD PEOPLES UTILITY DISTRICT (EPUD) ON BEHALF OF THE CITY. THE MOTION PASSED WITH A VOTE OF 6 FOR AND 0 AGAINST.

BUSINESS FROM THE CITY ATTORNEY

Mr. Leahy said the Wildish theater was very imposing and they had done a magnificent job of setting it up. It could set the standard higher for the development downtown.

ADJOURNMENT

The meeting was adjourned at approximately 7:53 p.m.

Minutes Recorder Amy Sowa

Sidney W. Leiken
Mayor

Attest:

City Recorder